

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

|  |   |  |   |
|--|---|--|---|
| (1) DEPARTMENT<br>Public Health<br>Department  | (2) MEETING DATE<br>February 28, 2006   | (3) CONTACT/PHONE<br>Curt Batson<br>(805) 781-5550     |   |
| (4) SUBJECT<br>Interim Moratorium on the Land Application of Treated Sewage Sludge/Biosolids   |   |  |   |
| (5) SUMMARY OF REQUEST<br>This ordinance establishes an interim moratorium on the land application of biosolids other than exceptional quality biosolids and assures the quantity of exceptional quality biosolids applied and distributed in the County shall not exceed historic levels. This interim ordinance shall remain in effect until a permanent ordinance is enacted by the Board of Supervisors or 48 months from its enactment, which ever occurs first. The ordinance requires notification of the Public Health Dept., Division of Environmental Health Services and places a cap of 1,500 cubic yards on the cumulative total of exceptional quality biosolids that can be applied in any 12-month period. It allows unused capacity to be carried over for a 12-month period. |   |  |   |
| (6) RECOMMENDED ACTION<br>1) Amend the expiration date for Ordinance 3023: Moratorium on the Land Application of Treated Sewage Sludge/Biosolids from March 2, 2006 to February 28, 2010. 2) Find the ordinance consistent with the previously adopted Negative Declaration/Environmental Determination No. ED03-149. A copy of the Negative Declaration No. ED 03-149 is attached.  |   |  |   |
| (7) FUNDING SOURCE(S)<br>Hourly Rate Charge of<br>\$86/hr  | (8) CURRENT YEAR COST<br>estimate 40hrs *<br>\$86/hr = \$3440   | (9) ANNUAL COST<br>estimate 40hrs*<br>\$87/hr = \$3480 | (10) BUDGETED?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A<br><input type="checkbox"/> NO |
| (11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST):<br>Public Health Dept., Air Pollution Control District, Agriculture Dept., Cal Poly, Ecoslo, CSI, RWQCB, SLO County Farm Bureau, SLO City, South County Wastewater Treatment Facility, UC Extension, Health Commission, Sierra Club, other interested parties. The County Counsel's office has reviewed the ordinance as to form and legal effect.  |   |  |   |
| (12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many?<br><input type="checkbox"/> Permanent <input type="checkbox"/> Limited Term <input type="checkbox"/> Contract <input type="checkbox"/> Temporary Help   |   |  |   |
| (13) SUPERVISOR DISTRICT(S)<br>1st, 2nd, 3rd, 4th, 5th <u>All</u>  | (14) LOCATION MAP<br><input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A  |  |   |
| (15) AGENDA PLACEMENT<br><input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. _____)<br><input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)   | (16) EXECUTED DOCUMENTS<br><input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies)<br><input checked="" type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A |  |   |
| (17) NEED EXTRA EXECUTED COPIES?<br><input checked="" type="checkbox"/> Number: <u>2</u> <input type="checkbox"/> Attached <input type="checkbox"/> N/A  | (18) APPROPRIATION TRANSFER REQUIRED?<br><input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A  |  |   |

|   |
|---|
| (19) ADMINISTRATIVE OFFICE REVIEW <i>OK - Jim Grant</i> |
|---|



# County of San Luis Obispo • Public Health Department


## *Environmental Health Services*

2156 Sierra Way • P.O. Box 1489  
San Luis Obispo, California 93406  
(805) 781-5544 • FAX: (805) 781-4211

**Gregory Thomas, M.D., M.P.H.**  
**County Health Officer**  
**Public Health Director**

**Curtis A. Batson, R.E.H.S.**  
**Director**

To: Board of Supervisors

From: Gregory Thomas, MD, Health Officer,  Director of Public Health Department

Date: February 28, 2006

Subject: Amendment of the Expiration Date for Ordinance 3023: Moratorium on the Land Application of Treated Sewage Sludge/Biosolids

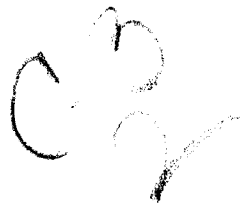
### Recommendation

1) Amend the expiration date for Ordinance 3023: Moratorium on the Land Application of Treated Sewage Sludge/Biosolids from March 2, 2006 to February 28, 2010. 2) Find the ordinance consistent with the previously adopted Negative Declaration/Environmental Determination No. ED03-149. A Copy of the Negative Declaration No. ED03-149 is attached.

### Background

Since 1998, the issue of the land application of biosolids (for ease of readership, "treated sewage sludge/biosolids" is hereafter referred to as "biosolids") has been the subject of two separate efforts to guide public policy in San Luis Obispo County. Both efforts included public and local agency participation in working groups. Concern over a proposal in 1998 to apply biosolids to ranch property near San Miguel led the County Health Commission to form a task force. The Health Commission Task Force explored wastewater treatment and disposal issues as it related to federal, state and local regulations, with specific interest in the land application of biosolids.

On February 8, 2000, the Board directed the Public Health Department to convene a public working group to consider options for managing the land application of biosolids. Pursuant to the Board's direction, the Public Health Department convened a public working group that was referred to as the San Luis Obispo County Treated Sewage Sludge/Biosolids Land Application Task Force. The Task Force recommended creation of a local ordinance establishing more stringent requirements for the quality of land applied biosolids, as well as local control and oversight of how, when and where such material may be applied. The Task Force completed its recommendations on October 26, 2001. Presentations were made to the Health Commission on December 10, 2001, and the Planning Commission on December 13, 2001, and January 24, 2002.



On March 12, 2002, the Board directed the Public Health Department to draft a local ordinance regulating the land application of biosolids based on the recommendations contained in the Task Force report. In order to comply with Board direction, the Task Force reconvened to draft an interim ordinance that would, among other things, limit the acceptance or processing of new land application projects beyond historical amounts of exceptional quality biosolids until a local ordinance is completed.

On March 12, 2003, the original interim ordinance was completed and sent to the Environmental Division of the Planning Department for California Environmental Quality Act (CEQA) review. The CEQA review process was completed on August 29, 2003, where it was determined that the ordinance could not have a significant adverse effect on the environment and a Negative Declaration was issued.

The proposed interim ordinance was then introduced to the Board for approval in February of 2004, and subsequently enacted on March 2, 2004.

In April of 2004, Environmental Health Services informed the Board that it was discontinuing development of a permanent biosolids ordinance in order to address higher priority public health issues, including the impending arrival of West Nile Virus into the county.

Environmental Health Services updated the County Health Commission on February 14, 2005 and January 9, 2006, regarding the performance of the ordinance since its inception.

### Discussion

On March 2, 2004, the Board approved Ordinance 3023: Moratorium on the Land Application of Treated Sewage Sludge/Biosolids. The moratorium established by the ordinance was to remain in effect until such time as a permanent ordinance regulating the land application of biosolids and exceptional quality biosolids was enacted by the Board, or 24 months from the enactment of the ordinance, whichever occurred first. Exceptional quality biosolids are the highest quality of biosolids regulated under 40 CFR Part 503 Federal Regulations. A definition of exceptional quality biosolids is contained in the ordinance. Due to the prioritization of the mosquito abatement program, a permanent ordinance has not been developed, and the ordinance will sunset on March 2, 2006.

Alternatives to the above recommendation include allowing the ordinance to expire, make the ordinance permanent, and/or direct Environmental Health Services to resume development of a permanent ordinance.

Composted biosolids in 40-pound bags are currently available at most retail nurseries and large hardware stores with nursery sections. This material can be applied by any one without regulatory oversight. Consistent with the availability of commercially bagged composted biosolids, the ordinance exempts the land application of biosolids used in compost. This composted material is comprised of biosolids mixed with green waste. Laboratory tests conducted on locally composted biosolids have shown the product to be significantly below the Federal 503 Regulation limits, including levels for heavy metals, which have been a notable

concern. Done properly, the use of high quality biosolids in compost has been shown to be a safe and effective way to recycle this natural resource.

If the recommendation is approved, it would result in the continuation of an interim ordinance that allows for the recycling of a natural resource at amounts that do not exceed historic levels of land application, protects the public health and the environment, and allows for the notification of the Public Health Department when biosolids are proposed to be applied to land.

The interim ordinance was developed to limit the acceptance or processing of new land application projects beyond historical amounts of exceptional quality (EQ) treated sewage sludge until a local ordinance could be completed. The purpose of the ordinance is to establish an interim moratorium on the land application of biosolids other than exceptional quality (EQ). Further, it is the intent of this interim moratorium to assure the quantity of exceptional quality (EQ) biosolids applied and distributed in San Luis Obispo County shall not exceed historic levels.

The ordinance:

- Defines biosolids, exceptional quality biosolids and persons regulated by the ordinance. Persons include any individual firm, association, partnership, political subdivision, government agency, municipality, public or private corporation, or any other entity whatsoever.
- Remains in effect for 48 months from its enactment or until a permanent ordinance is adopted, whichever ever occurs first.
- Requires notification of the Public Health Department, Environmental Health Services Division 30 days prior to the land application of biosolids exceeding or equaling 5 cubic yards.
- Places a cap of 1,500 cubic yards on the cumulative total of exceptional quality biosolids that can be land applied in any 12-month period beginning with the adoption of this ordinance.
- Allows unused capacity to be carried over for a 12-month period.
- "Biosolids" as used in this ordinance also excludes biosolids composted with other organic products such as green waste and sold in bulk form.

The original interim ordinance was sent to the Environmental Division of the Planning Department for California Environmental Quality Act (CEQA) review. The CEQA review process was completed where it was determined that the ordinance could not have a significant adverse effect on the environment and a Negative Declaration was issued. Because there are no proposed changes to the ordinance other than the sunset date, the department will use the Negative Declaration (No. ED03-149) issued for the original interim ordinance as the environmental document for this amended biosolids interim ordinance.

In summary, staff recommendation is to amend the expiration date for Ordinance 3023: Moratorium on the Land Application of Treated Sewage Sludge/Biosolids from March 2, 2006 to February 28, 2010, and find the ordinance consistent with the previously adopted Negative Declaration/Environmental Determination No. ED03-149.

#### Other Agency Involvement/Impact

County Counsel has been consulted and concurs with the proposed extension of the ordinance. Counsel has reviewed and approved the amended ordinance for form and legal effect.

Numerous other state and local agencies, as well as private citizens, non-profit agencies and other interested parties were involved in the development of the original ordinance. They include the Air Pollution Control District, Agricultural Commissioners Office, Cal Poly, Ecoslo, Environmental Division of County Planning Department, Center for Sludge Information, Regional Water Quality Control Board, San Luis Obispo County Farm Bureau, City of San Luis Obispo Wastewater Treatment Plant, South County Wastewater Treatment Plant, Synagro, University of California Cooperative Extension, San Luis Obispo County Health Commission, Sierra Club and other interested parties.

#### Financial Considerations

It is unknown at this time what impact the ordinance might have on revenues for the Public Health Department. It will depend on the number of projects and the amount of time spent on the project approval process. As before, the department anticipates using existing staff to implement the ordinance. An hourly rate will be used to recover the costs of administering this program. Since the original interim ordinance was approved by the Board, there have been no proposals to land apply biosolids that are regulated by the ordinance. Therefore, there have been no expenses associated with this ordinance.

#### Results

Since the enactment of the ordinance, no land application projects utilizing biosolids equal to or exceeding five cubic yards have occurred in the unincorporated area of the county. In addition, no complaints have been received associated with land applied biosolids.

Approval of the recommendation would result in the continuation of an interim ordinance that allows for the recycling of a natural resource at amounts that do not exceed historic levels of land application, protects the public health and the environment, and allows for the notification of the Public Health Department when biosolids are proposed to be applied to land.

Enclosures:

1. The existing Ordinance 3023: Interim Moratorium on the Land Application of Treated Sewage Sludge/Biosolids

2. An amended version of Ordinance 3023: Interim Moratorium on the Land Application of Treated Sewage Sludge/Biosolids
3. Negative Declaration/Environmental Determination No. ED03-149

Handwritten signature or initials, possibly "C. B." or "C. B.", written in a cursive style.

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ORDINANCE NO. \_\_\_\_\_  
AN ORDINANCE TO ESTABLISH AN INTERIM  
MORATORIUM ON THE LAND APPLICATION OF TREATED SEWAGE  
SLUDGE/BIOSOLIDS

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION I: That Chapter 8.13 of the County Code be added as follows:

**8.13.010 Purpose.**

The Board of Supervisors does hereby find, determine and declare the unregulated application of biosolids as defined in this chapter, also referred to as treated sewage sludge, may pose a risk to the health, safety and welfare of the citizens of San Luis Obispo County. Biosolids contain heavy metals, pathogenic organisms, chemical pollutants, and synthetic organic compounds, which may pose a risk to the public health and the environment if improperly handled. The purpose of this chapter is to establish an interim moratorium on the land application of biosolids other than exceptional quality (EQ). Further, it is the intent of this interim moratorium to assure the quantity of exceptional quality (EQ) biosolids applied and distributed in San Luis Obispo County shall not exceed historic levels.

**8.13.020 Definitions.**

The following words and phrases shall be interpreted as follows:

(1) "Treated Sewage Sludge/Biosolids" mean treated solid, semi-solid or liquid residues generated during the treatment of sewage in a wastewater treatment facility meeting 40 CFR Part 503 requirements specified in Section 503.32 for pathogen reduction, Section 503.33 for vector attraction reduction, and Section 503.13, Tables 1 and 3 for pollutant concentrations. These residues include, but are not limited to scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Biosolids" as used in this chapter excludes composted and other biosolids products packaged in a bag or container for routine retail sales through regular retail outlets primarily used for landscaping, and excludes those biosolids otherwise disposed of at a regulated landfill. "Biosolids" as used in this chapter also excludes biosolids composted with other organic products such as green waste and sold in bulk form.



(2) "Exceptional Quality Biosolids" means Class A biosolids meeting the pollutant concentrations in 40 CFR 503.13 Table 3 and have achieved a level of vector attraction reduction required by 40 CFR 503.33. Additionally, Class A biosolids must meet either fecal coliform or *Salmonella* sp. bacterial limits contained in Alternatives 1 through 6 of 40 CFR 503.32(a) to be exceptional quality. For the purposes of this chapter, exceptional quality biosolids are in bulk form and shall not include compost meeting or exceeding exceptional quality criteria.

(3) "Person" means any individual, firm, association, partnership, political subdivision, government agency, municipality, public or private corporation or any other entity whatsoever.

Section 8.13.030. **Interim Moratorium.**

Except as otherwise provided herein, there shall be an interim moratorium on the application or distribution of biosolids and exceptional quality biosolids on any land within the unincorporated areas of San Luis Obispo County. The moratorium established by this Ordinance shall remain in effect until such time as a permanent ordinance regulating the land application of biosolids and exceptional quality biosolids is enacted by the Board of Supervisors, or ~~24~~<sup>48</sup> months from the enactment of this ordinance, whichever first occurs. The moratorium shall apply to any person applying or distributing biosolids in San Luis Obispo County, subject to the following requirements:

(1) Any person who desires to distribute or apply biosolids in a quantity equaling or exceeding 5.0 cubic yards during the period of the moratorium, shall notify in writing the San Luis Obispo County Public Health Department, Division of Environmental Health thirty (30) days prior to application or distribution; and

(2) The Division of Environmental Health shall not authorize more than a cumulative total of 1,500 cubic yards of exceptional quality biosolids to be applied or distributed within the unincorporated areas of San Luis Obispo County during any twelve-month period beginning with the adoption of this ordinance. If the cumulative total of exceptional quality biosolids land applied or distributed in a 12 month period is less than 1,500 cubic yards, the remainder shall be carried over to the subsequent 12 month period and added to the 1,500 cubic yards.

(3) The Division of Environmental Health shall be empowered to prohibit any application of biosolids, including exceptional quality biosolids under the following conditions:



- a. Biosolids failing to meet exceptional quality (EQ) standards as described in 40 CFR 503.13 Table 3 and have achieved a level of vector attraction reduction required by 40 CFR 503.33. Additionally, biosolids failing to meet either fecal coliform or *Salmonella* sp. bacterial limits contained in Alternatives 1 through 6 of 40 CFR 503.32(a).
- b. The application of biosolids is in excess of the cumulative total limitation set forth above in paragraph 2.
- c. The applicant cannot provide documentation of biosolids meeting EQ standards.

(4) The Environmental Health Division shall develop policies and procedures to implement the requirements of this ordinance.

#### Section 8.13.040. **Penalties**

Any person who violates any provisions of this chapter shall be guilty of a misdemeanor pursuant to chapter 1.04.010.

SECTION II: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of the remaining portions of this ordinance. The Board of Supervisors hereby declares it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION III: Before the passage of 15 days after adoption of this ordinance, it shall be published with the names of the Board of Supervisors members voting for and against same, once in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Introduced at a regular meeting of the Board of Supervisors held on the \_\_\_\_ day of \_\_\_\_\_, 2006, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_ day of \_\_\_\_\_, 2006, by the following roll call vote, to-wit:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Chairman of the Board of Supervisors of the  
County of San Luis Obispo, State of  
California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the  
Board of Supervisors, County of San  
Luis Obispo, State of California

BY: \_\_\_\_\_

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By: \_\_\_\_\_  
Raymond A. Biering  
Deputy County Counsel

Dated: \_\_\_\_\_, 2006.

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COPY

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MORATORIUM ON THE LAND APPLICATION OF TREATED SEWAGE  
SLUDGE/BIOSOLIDS**

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SECTION I: That Chapter 8.13 of the County Code be added as follows:

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(2) "Exceptional Quality Biosolids" means Class A biosolids meeting the pollutant concentrations in 40 CFR 503.13 Table 3 and have achieved a level of vector attraction reduction required by 40 CFR 503.33. Additionally, Class A biosolids must meet either fecal coliform or *Salmonella* sp. bacterial limits contained in Alternatives 1 through 6 of 40 CFR 503.32(a) to be exceptional quality. For the purposes of this chapter, exceptional quality biosolids are in bulk form and shall not include compost meeting or exceeding exceptional quality criteria.

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(1) Any person who desires to distribute or apply biosolids in a quantity equaling or exceeding 5.0 cubic yards during the period of the moratorium, shall notify in writing the San Luis Obispo County Public Health Department, Division of Environmental Health thirty (30) days prior to application or distribution; and

(2) The Division of Environmental Health shall not authorize more than a cumulative total of 1,500 cubic yards of exceptional quality biosolids to be applied or distributed within the unincorporated areas of San Luis Obispo County during any twelve-month period beginning with the adoption of this ordinance. If the cumulative total of exceptional quality biosolids land applied or distributed in a 12 month period is less than 1,500 cubic yards, the remainder shall be carried over to the subsequent 12 month period and added to the 1,500 cubic yards.

(3) The Division of Environmental Health shall be empowered to prohibit any application of biosolids, including exceptional quality biosolids under the following conditions:

- a. Biosolids failing to meet exceptional quality (EQ) standards as described in 40 CFR 503.13 Table 3 and have achieved a level of vector attraction reduction required by 40 CFR 503.33. Additionally, biosolids failing to meet either fecal coliform or *Salmonella* sp. bacterial limits contained in Alternatives 1 through 6 of 40 CFR 503.32(a).
- b. The application of biosolids is in excess of the cumulative total limitation set forth above in paragraph 2.
- c. The applicant cannot provide documentation of biosolids meeting EQ standards.

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SECTION III: Before the passage of 15 days after adoption of this ordinance, it shall be published with the names of the Board of Supervisors members voting for and against same, once in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Introduced at a regular meeting of the Board of Supervisors held on the \_\_\_\_ day of \_\_\_\_\_, 2006, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_ day of \_\_\_\_\_, 2006, by the following roll call vote, to-wit:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Chairman of the Board of Supervisors of the  
County of San Luis Obispo, State of  
California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the  
Board of Supervisors, County of San  
Luis Obispo, State of California

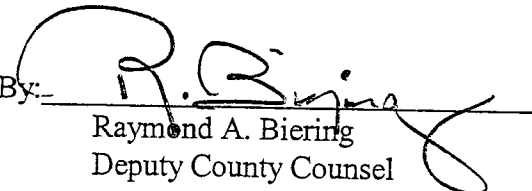
BY: \_\_\_\_\_

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By: \_\_\_\_\_

  
Raymond A. Biering  
Deputy County Counsel

Dated: 1/24, 2006.



# COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (jn)

## REVISED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED03-149

DATE: January 1, 2004

PROJECT/ENTITLEMENT: Treated Sewage Sludge/Biosolids Interim Ordinance

APPLICANT NAME: County of San Luis Obispo Public Health Department

ADDRESS: 2156 Sierra Way San Luis Obispo, CA 93406

CONTACT PERSON: Richard J. Lichtenfels, R.E.H.S., M.P.H.

Telephone: 805/ 781-5544

PROPOSED USES/INTENT: A request to allow for an interim moratorium on the land application of treated sewage sludge (biosolids).

LOCATION: County of San Luis Obispo

LEAD AGENCY: County of San Luis Obispo,

Department of Planning & Building  
County Government Center Room 310  
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES:

California Air Resources Board  
California Department of Food and Agriculture  
California Integrated Waste Management Board  
Regional Water Quality Control Board

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 5 p.m. on \_\_\_\_\_  
(Circle one) 20-DAY 30-DAY PUBLIC REVIEW PERIOD begins at time of notice publication.

### Notice of Determination

State Clearinghouse No. \_\_\_\_\_

This is to advise that the San Luis Obispo County

as ☒ Lead Agency

☒ Responsible Agency approved/denied the above described project on \_\_\_\_\_

and has made the

following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at \_\_\_\_\_

Department of Planning and Building, County of San Luis Obispo,  
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Public Agency \_\_\_\_\_

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# CALIFORNIA DEPARTMENT OF FISH AND GAME

## CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

PROJECT TITLE & NUMBER: Treated Sewage Sludge/Biosolids Interim Ordinance

### Project Applicant

Name: County of San Luis Obispo Public Health Department  
Address: 2156 Sierra Way  
City, State, Zip Code: San Luis Obispo, CA 93406  
Telephone #: (805) 781-5544

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination

### FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

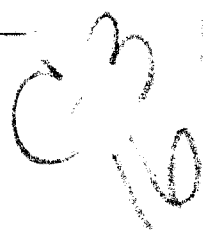
- ( ) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- ( ) The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- ( ) The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- ( ) The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. \_\_\_\_\_
- (X) Other: The use and proposed regulation of EO treated sewage sludge/biosolids is not anticipated to significantly impact any biological resources.

### CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

  
Ellen Carroll, Environmental Coordinator  
County of San Luis Obispo

Date: 12/24/03







COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. Treated Sewage Sludge/Biosolids Interim Ordinance:  
ED03-149

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics             | <input type="checkbox"/> Geology and Soils           | <input type="checkbox"/> Recreation                 |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Transportation/Circulation |
| <input type="checkbox"/> Air Quality            | <input type="checkbox"/> Noise                       | <input type="checkbox"/> Wastewater                 |
| <input type="checkbox"/> Biological Resources   | <input type="checkbox"/> Population/Housing          | <input type="checkbox"/> Water                      |
| <input type="checkbox"/> Cultural Resources     | <input type="checkbox"/> Public Services/Utilities   | <input type="checkbox"/> Land Use                   |

☐ Mandatory Findings of Significance

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☒ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Uneco Group, Inc.  
Prepared by(Print)

Ellen Carroll  
Signature

12/24/03  
Date

John Nall  
Reviewed by(Print)

John Nall  
Signature

Ellen Carroll,  
Environmental Coordinator  
(for)

12/24/03  
Date

### Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

### **A. PROJECT**

**DESCRIPTION:** - Proposal by the County of San Luis Obispo Department of Environmental Health for a Treated Sewage Sludge/Biosolids Interim Ordinance to allow for an interim moratorium on the land application of treated sewage sludge (biosolids). The moratorium would require the following:

- 1) Any person who desires to distribute or apply biosolids in a quantity equaling or exceeding 5.0 cubic yards during the period of the moratorium, shall notify in writing the San Luis Obispo County Public Health Department, Division of Environmental Health thirty (30) days prior to application or distribution; and
- 2) The Division of Environmental Health shall not authorize more than a cumulative total of 1,500 cubic yards of exceptional quality biosolids to be applied or distributed within the unincorporated areas of San Luis Obispo County during any twelve-month period beginning with the adoption of this ordinance. If the cumulative total of exceptional quality biosolids land applied or distributed in a 12 month period is less than 1,500 cubic yards, the remainder shall be carried over to the subsequent 12 month period and added to the 1,500 cubic yards.
- 3) The Division of Environmental Health shall be empowered to prohibit any application of biosolids, including exceptional quality biosolids under the following conditions:
  - a. Biosolids failing to meet exceptional quality (EQ) standards as described in 40 CFR 503.13 Table 3 and have achieved a level of vector attraction reduction required by 40 CFR 503.33. Additionally, biosolids failing to meet either fecal coliform of or *Salmonella* sp. bacterial limits contained in Alternatives 1 through 6 of 40 CFR 503.32(a).
  - b. The application of biosolids is in excess of the cumulative total limitation set forth above in paragraph 2.
  - c. The applicant cannot provide documentation of biosolids meeting EQ standards.

ASSESSOR PARCEL NUMBER(S): Not Applicable

SUPERVISORIAL DISTRICT: All

## B. EXISTING SETTING

PLANNING AREA: All

LAND USE CATEGORY: Not Applicable

COMBINING DESIGNATION(S): Not Applicable

EXISTING USES: Not Applicable

TOPOGRAPHY: Not Applicable

VEGETATION: Not Applicable

PARCEL SIZE: Not Applicable

SURROUNDING LAND USE CATEGORIES AND USES:

North: Not Applicable East: Not Applicable

South: Not Applicable West: Not Applicable

## C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

### COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

| 1. AESTHETICS - <i>Will the project:</i>                                     | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable                      |
|--|--------------------------|--------------------------------|-------------------------------------|-------------------------------------|
| a) <i>Create an aesthetically incompatible site open to public view?</i>     | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) <i>Introduce a use within a scenic view open to the public?</i>           | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) <i>Change the visual character of an area?</i>                            | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) <i>Create glare or night lighting which may affect surrounding areas?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) <i>Impact unique geological or physical features?</i>                     | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) <i>Other _____</i>  | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/>            |

**Setting/Impact.** The proposed biosolids interim ordinance is not anticipated to result in the foreseeable construction of new structures, result in the disturbance of a significant amount of soil, or generate glare or night lighting.

**Mitigation/Conclusion.** Aesthetic impacts resulting from implementation of the proposed ordinance would not result in significant aesthetics impacts; therefore, no mitigation is required.

## 2. AGRICULTURAL RESOURCES -

*Will the project:*

|  | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) <i>Convert prime agricultural land to non-agricultural use?</i>                         | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Impair agricultural use of other property or result in conversion to other uses?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Conflict with existing zoning or Williamson Act program?</i>                         | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Other _____</i>  | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting.** Implementation of the proposed project would regulate the land application of biosolids, including the use of biosolids as a soil conditioner or low analysis fertilizer on agricultural lands. This type of biosolids land application is introduced at agronomic rates, which is defined by the County of San Luis Obispo Department of Agriculture as the amounts per acre to provide the nitrogen needed by the crop or vegetation grown in soil while minimizing the amount that passes below the root zone.

Currently, the land application of EQ biosolids is not regulated. The majority of biosolids generated in San Luis Obispo County are exported to adjacent counties including Kern, Monterey, and Santa Barbara for land application, further treatment, landfill cover material, or storage. Up to 1,500 cubic yards of EQ biosolids were given or sold to the public for use on agricultural lands, private and commercial landscaping, and home gardens historically per year in San Luis Obispo County. Alternatives to biosolids include organic fertilizers (i.e., steer manure) and chemically-based fertilizers. The maximum amount of allowable land applied biosolids (1,500 cubic yards) was determined based on the highest amount of biosolids historically disposed of by land application in San Luis Obispo County. If the cumulative total of land applied or distributed EQ biosolids is less than 1,500 cubic yards over a 12 month period, the remainder would be carried over to the subsequent 12 month period and added to the 1,500 cubic yards.

**Impact.** Implementation of the proposed interim ordinance is not anticipated to impair the agricultural use of properties because the maximum amount of biosolids allowed for land application, including agricultural uses, was based on historical usage. If the use of biosolids becomes unavailable, landowners have access to several alternatives.

**Mitigation/Conclusion.** No impacts to agricultural resources are anticipated.

## 3. AIR QUALITY - *Will the project:*

|   | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|---|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Create or subject individuals to objectionable odors?</i>   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### 3. AIR QUALITY - *Will the project:*

|   | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|---|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| d) <i>Be inconsistent with the District's Clean Air Plan?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <i>Other</i> _____   | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting/Impact.** Exceptional Quality (EQ) biosolids have undetectable levels of pathogens, very low levels of heavy metal pollutants, and low levels of degradable compounds that attract vectors and generate objectionable odors. Transport of all biosolids to offsite landfill facilities in San Luis Obispo, Kern, Monterey, and Santa Barbara counties is regulated by the Integrated Waste Management Board. Transport vehicles are required to be covered to limit escape of particulate matter. The regulated use of land applied biosolids would not result in significant impacts to air quality.

**Mitigation/Conclusion.** No significant impacts to air quality would occur as a result of the proposed ordinance.

### 4. BIOLOGICAL RESOURCES - *Will the project:*

|  | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) <i>Result in a loss of unique or special status species or their habitats?</i>  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Impact wetland or riparian habitat?</i>  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <i>Other</i> _____  | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting/Impact.** The use of land applied EQ biosolids is predominantly limited to agricultural land, private, commercial, and public landscaped areas, and gardens. The proposed maximum allowable amount of land applied biosolids (1,500 cubic yards) would not exceed historic amounts following implementation of the interim ordinance. Biosolids not land applied in San Luis Obispo County would continue to be moved to local landfills or transported to landfills, wastewater treatment facilities, and farms in the counties of Kern, Monterey, and Santa Barbara.

**Mitigation/Conclusion.** The use and proposed regulation of EQ biosolids is not anticipated to significantly impact any specific special-status species, native vegetation, wetland or riparian habitat, or wildlife.

### 5. CULTURAL RESOURCES - *Will the project:*

|   | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|---|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) <i>Disturb pre-historic resources?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Disturb historic resources?</i>     | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## 5. CULTURAL RESOURCES -

*Will the project:*

- c) *Disturb paleontological resources?*
- d) *Other \_\_\_\_\_*

| Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|-------------------------|--------------------------------|----------------------|----------------|
|-------------------------|--------------------------------|----------------------|----------------|

|                          |                          |                                     |                          |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting/Impact.** The use of land applied EQ biosolids is predominantly limited to agricultural land, private, commercial, and public landscaped areas, and gardens. The proposed maximum allowable amount of land applied biosolids (1,500 cubic yards) would not exceed historic amounts following implementation of the interim ordinance. Biosolids not land applied in San Luis Obispo County would continue to be moved to local landfills or transported to landfills, wastewater treatment facilities, and farms in the counties of Kern, Monterey, and Santa Barbara.

**Mitigation/Conclusion.** The use and proposed regulation of EQ biosolids is not anticipated to significantly impact any cultural resources.

## 6. GEOLOGY AND SOILS -

*Will the project:*

- a) *Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?*
- b) *Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?*
- c) *Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?*
- d) *Change rates of soil absorption, or amount or direction of surface runoff?*
- e) *Include structures located on expansive soils?*
- f) *Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?*
- g) *Involve activities within the 100-year flood zone?*
- h) *Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?*
- i) *Preclude the future extraction of valuable mineral resources?*

| Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|-------------------------|--------------------------------|----------------------|----------------|
|-------------------------|--------------------------------|----------------------|----------------|

|                          |                          |                                     |                          |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## 6. GEOLOGY AND SOILS -

*Will the project:*

Potentially  
Significant

Impact can  
& will be  
mitigated

Insignificant  
Impact

Not  
Applicable

j) *Other* \_\_\_\_\_

☐☐☐☐

**Setting/Impact.** The use of land applied EQ biosolids is predominantly limited to agricultural land, private, commercial, and public landscaped areas, and gardens. The proposed maximum allowable amount of land applied biosolids (1,500 cubic yards) would not exceed historic amounts following implementation of the interim ordinance. Biosolids not land applied in San Luis Obispo County would continue to be moved to local landfills or transported to landfills, wastewater treatment facilities, and farms in the counties of Kern, Monterey, and Santa Barbara.

**Mitigation/Conclusion.** The use and proposed regulation of EQ biosolids is not anticipated to significantly impact any cultural resources.

## 7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*

Potentially  
Significant

Impact can  
& will be  
mitigated

Insignificant  
Impact

Not  
Applicable

a) *Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?*

☐☐☒☐

b) *Interfere with an emergency response or evacuation plan?*

☐☐☒☐

c) *Expose people to safety risk associated with airport flight pattern?*

☐☐☐☒

d) *Increase fire hazard risk or expose people or structures to high fire hazard conditions?*

☐☐☒☐

e) *Create any other health hazard or potential hazard?*

☐☐☒☐

f) *Other* \_\_\_\_\_

☐☐☐☐

**Setting/Impact.** Biosolids may contain a mixture of organic matter, nutrients, pathogens, heavy metals, and natural and synthetic organic chemical compounds. EQ biosolids have a Class A (undetectable) pathogen level, very low heavy metal pollutant levels, and low levels of degradable compounds. Implementation of the proposed project would regulate the use of biosolids and limit the annual land application volume to 1,500 cubic yards. This number was determined based on the maximum annual historic amount of land applied biosolids. If the cumulative total of land applied or distributed EQ biosolids is less than 1,500 cubic yards over a 12 month period, the remainder would be carried over to the subsequent 12 month period and added to the 1,500 cubic yards. Biosolids not land applied in San Luis Obispo County would continue to be moved to local landfills or transported to landfills, wastewater treatment facilities, and farms in the counties of Kern, Monterey, and Santa Barbara.

**Mitigation/Conclusion.** The use and proposed regulation of EQ biosolids is not anticipated to exceed historic amounts of land applied EQ biosolids.

## 8. NOISE - Will the project:

|   | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|---|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) <i>Expose people to noise levels which exceed the County Noise Element thresholds?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>             | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Expose people to severe noise or vibration?</i>                                     | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Other</i> _____   | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting/Impact.** The proposed maximum allowable amount of land applied biosolids (1,500 cubic yards) would not exceed historic amounts following implementation of the interim ordinance. Biosolids not land applied in San Luis Obispo County would continue to be moved to local landfills or transported to landfills, wastewater treatment facilities, and farms in the counties of Kern, Monterey, and Santa Barbara. The proposed regulation of EQ biosolids would not result in the generation of significant levels of noise or exposure to stationary or transportation-related noise.

**Mitigation/Conclusion.** The use and proposed regulation of EQ biosolids is not anticipated to result in the generation of or exposure to stationary or transportation-related noise.

## 9. POPULATION/HOUSING - Will the project:

|  | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Create the need for substantial new housing in the area?</i>   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Use substantial amount of fuel or energy?</i>  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <i>Other</i> _____  | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting/Impact.** Implementation of the proposed project would result in the regulation of land applied EQ biosolids. The proposed regulation would be imposed on an existing use, and would not induce growth, displace housing or people, create the need for new housing, or use a substantial amount of fuel or energy to implement.

*C2*  
*24*



# 10. PUBLIC SERVICES/UTILITIES -

*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

|  | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) Fire protection?                        | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Police protection (e.g., Sheriff, CHP)? | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Schools?                                | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Roads?                                  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Solid Wastes?                           | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Other public facilities?                | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Other _____                             | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting/Impact.** All seventeen wastewater treatment plants in the County of San Luis Obispo generate, or have the potential to generate, biosolids. These plants include the following: Atascadero, Atascadero State Hospital, Avila Beach, California Men's Colony, Heritage Ranch, Cambria, Morro Bay, Nipomo, Oak Shores, Paso Robles, Pismo Beach, San Luis Obispo, San Luis Obispo County Club, San Miguel, San Simeon, South County, and Templeton. Disposal options for biosolids include transport to landfills for storage or use as cover material, transport to other facilities for additional treatment, donation or sale to the public for use on agriculture lands (non-consumptive crops), gardens, and landscaping. Based on the biosolids report prepared by the San Luis Obispo County Health Commission Task Force on Biosolids, in 1998, 5,000 cubic yards, 43,480 gallons, and 2,060 tons of biosolids were transported from San Luis Obispo County wastewater treatment facilities to landfills in San Luis Obispo County and 19,900 gallons were transported to the Santa Maria Wastewater Treatment Plant in Santa Barbara County for further treatment. In the same year, 1,981 tons of biosolids were transported to Kern County for composting. The amount of biosolids generated in San Luis Obispo County and land applied in Kern and Monterey counties was 381.50 tons, 1,037,544 gallons, and 2,400 metric tons (*Biosolids: An Overview and Recommendations for Land Application in San Luis Obispo County*; September 29, 1999). Each of the wastewater treatment, landfill, and farm facilities have their own regulations and capacity limitations pertaining to acceptance of imported biosolids. Implementation of the proposed project would regulate the use of biosolids and limit the annual land application volume to 1,500 cubic yards in San Luis Obispo County, which is the maximum annual historic amount of land applied biosolids. If the cumulative total of land applied or distributed EQ biosolids is less than 1,500 cubic yards over a 12 month period, the remainder would be carried over to the subsequent 12 month period and added to the 1,500 cubic yards.

**Mitigation/Conclusion.** Based on the historic biosolids disposal rate, the proposed regulation would not significantly impact public services or utilities.

# 11. RECREATION - Will the project:

|  | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) Increase the use or demand for parks or other recreation opportunities? | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Affect the access to trails, parks or other recreation opportunities?   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Other _____   | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting/Impact.** The use of land applied EQ biosolids is predominantly limited to agricultural land, private, commercial, and public landscaped areas, and gardens. The proposed maximum allowable amount of land applied biosolids (1,500 cubic yards) would not exceed historic amounts following implementation of the interim ordinance. If the cumulative total of land applied or distributed EQ biosolids is less than 1,500 cubic yards over a 12 month period, the remainder would be carried over to the subsequent 12 month period and added to the 1,500 cubic yards. Biosolids not land applied in San Luis Obispo County would continue to be moved to local landfills or transported to landfills, wastewater treatment facilities, and farms in the counties of Kern, Monterey, and Santa Barbara.

**Mitigation/Conclusion.** The use and proposed regulation of EQ biosolids is not anticipated to significantly impact any recreational resources.

## 12. TRANSPORTATION/

### CIRCULATION - Will the project:

|  | Potentially<br>Significant | Impact can<br>& will be<br>mitigated | Insignificant<br>Impact             | Not<br>Applicable        |
|--|----------------------------|--------------------------------------|-------------------------------------|--------------------------|
| a) <i>Increase vehicle trips to local or areawide circulation system?</i>  | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>  | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>                                    | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Provide for adequate emergency access?</i>   | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <i>Result in inadequate parking capacity?</i>   | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) <i>Result in inadequate internal traffic circulation?</i>   | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i> | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>  | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i) <i>Other _____</i>  | <input type="checkbox"/>   | <input type="checkbox"/>             | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting/Impact.** The use of land applied EQ biosolids is predominantly limited to agricultural land, private, commercial, and public landscaped areas, and gardens. The proposed maximum allowable amount of land applied biosolids (1,500 cubic yards) would not exceed historic amounts following implementation of the interim ordinance. If the cumulative total of land applied or distributed EQ biosolids is less than 1,500 cubic yards over a 12 month period, the remainder would be carried over to the subsequent 12 month period and added to the 1,500 cubic yards. Biosolids not land applied in San Luis Obispo County would continue to be moved to local landfills or transported to landfills, wastewater treatment facilities, and farms in the counties of Kern, Monterey, and Santa Barbara. The proposed regulation of EQ biosolids is not anticipated to result in additional traffic trips exceeding current counts.

**Mitigation/Conclusion.** The use and proposed regulation of EQ biosolids is not anticipated to significantly impact traffic or circulation.

### 13. WASTEWATER - Will the project:

|  | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems? | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?              | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Adversely affect community wastewater service provider?   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Other _____   | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting/Impact.** Biosolids, or treated sewage sludge, are the organic, solid, semi-solid, or liquid residues generated during the treatment of domestic sewage. Biosolids may contain a mixture of organic matter, nutrients, pathogens, heavy metals, and natural and synthetic organic chemical compounds. EQ biosolids have a Class A (undetectable) pathogen level, very low heavy metal pollutant levels, and low levels of degradable compounds. Implementation of the proposed project would regulate the use of biosolids and limit the annual land application volume to 1,500 cubic yards. This number was determined based on the maximum annual historic amount of land applied biosolids. If the cumulative total of land applied or distributed EQ biosolids is less than 1,500 cubic yards over a 12 month period, the remainder would be carried over to the subsequent 12 month period and added to the 1,500 cubic yards. Biosolids not land applied in San Luis Obispo County would continue to be moved to local landfills or transported to landfills, wastewater treatment facilities, and farms in the counties of Kern, Monterey, and Santa Barbara. The use and proposed regulation of EQ biosolids is not anticipated to exceed historic amounts of land applied EQ biosolids.

**Mitigation/Conclusion.** Implementation of the proposed regulation would not require the construction of new facilities or result in a Central Coast Basin Plan violation; therefore, no wastewater impacts are anticipated.

### 14. WATER - Will the project:

|   | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|---|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) Violate any water quality standards?   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)? | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Change the quantity or movement of available surface or ground water?  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Adversely affect community water service provider?   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Other _____  | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting/Impact.** Biosolids may contain a mixture of organic matter, nutrients, pathogens, heavy metals, and natural and synthetic organic chemical compounds. EQ biosolids have a Class A (undetectable)

pathogen level, very low heavy metal pollutant levels, and low levels of degradable compounds. Implementation of the proposed project would regulate the use of biosolids and limit the annual land application volume to 1,500 cubic yards. This number was determined based on the maximum annual historic amount of land applied biosolids. If the cumulative total of land applied or distributed EQ biosolids is less than 1,500 cubic yards over a 12 month period, the remainder would be carried over to the subsequent 12 month period and added to the 1,500 cubic yards. Biosolids not land applied in San Luis Obispo County would continue to be moved to local landfills or transported to landfills, wastewater treatment facilities, and farms in the counties of Kern, Monterey, and Santa Barbara.

**Mitigation/Conclusion.** The use and proposed regulation of EQ biosolids is not anticipated to exceed historic amounts of land applied EQ biosolids; therefore no impacts to surface water or water supply would occur.

| 15. LAND USE - Will the project:  | Inconsistent             | Potentially Inconsistent | Consistent                          | Not Applicable           |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Be potentially inconsistent with any habitat or community conservation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be potentially incompatible with surrounding land uses?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Other _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting/Impact.** The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance). The project was found to be consistent with these documents.

Current County policy requires that all land applications of biosolids that cannot be applied at an agronomic rate shall be evaluated as a disposal site under a discretionary land use permit. This requirement would not be affected by the proposed interim ordinance.

**Mitigation/Conclusion.** No inconsistencies were identified and no mitigation measures are required.

| 16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:  | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|-------------------------|--------------------------------|----------------------|----------------|
| a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of |                         |                                |                      |                |

**California history or prehistory?**

☐☐☒☐

- b) **Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects)**

☐☐☒☐

- c) **Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

☐☐☒☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "[www.slocoplanbldg.com](http://www.slocoplanbldg.com)" under "Environmental Review", or the California Environmental Resources Evaluation System at "[http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/)" for information about the California Environmental Quality Act.

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Biosolids IS Checklist.wpd

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### Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an "X") and when a response was made, it is either attached or in the application file:

| <u>Contacted</u>         | <u>Agency</u>                             | <u>Response</u>       |
|--------------------------|---|-----------------------|
| <input type="checkbox"/> | County Public Works Department            | <b>Not Applicable</b> |
| <input type="checkbox"/> | County Environmental Health Division      | <b>Not Applicable</b> |
| <input type="checkbox"/> | County Agricultural Commissioner's Office | <b>Not Applicable</b> |
| <input type="checkbox"/> | County Airport Manager                    | <b>Not Applicable</b> |
| <input type="checkbox"/> | Airport Land Use Commission               | <b>Not Applicable</b> |
| <input type="checkbox"/> | Air Pollution Control District            | <b>Not Applicable</b> |
| <input type="checkbox"/> | County Sheriff's Department               | <b>Not Applicable</b> |
| <input type="checkbox"/> | Regional Water Quality Control Board      | <b>Not Applicable</b> |
| <input type="checkbox"/> | CA Coastal Commission                     | <b>Not Applicable</b> |
| <input type="checkbox"/> | CA Department of Fish and Game            | <b>Not Applicable</b> |
| <input type="checkbox"/> | CA Department of Forestry                 | <b>Not Applicable</b> |
| <input type="checkbox"/> | CA Department of Transportation           | <b>Not Applicable</b> |
| <input type="checkbox"/> | _____ Community Service District          |                       |
| <input type="checkbox"/> | Other _____                               |                       |

\* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("✓") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

|   |  |
|---|--|
| <input checked="" type="checkbox"/> Project File for the Subject Application  | <input type="checkbox"/> _____ Area Plan and Update EIR  |
| <u>County documents</u>   | <input type="checkbox"/> _____ Circulation Study   |
| <input type="checkbox"/> Airport Land Use Plans   | <u>Other documents</u>   |
| <input checked="" type="checkbox"/> Annual Resource Summary Report  | <input type="checkbox"/> Archaeological Resources Map  |
| <input type="checkbox"/> Building and Construction Ordinance  | <input type="checkbox"/> Area of Critical Concerns Map   |
| <input type="checkbox"/> Coastal Policies   | <input type="checkbox"/> Areas of Special Biological Importance Map                                    |
| <input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)   | <input type="checkbox"/> California Natural Species Diversity Database                                 |
| <input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include: | <input checked="" type="checkbox"/> Clean Air Plan   |
| <input checked="" type="checkbox"/> Agriculture & Open Space Element  | <input type="checkbox"/> Fire Hazard Severity Map  |
| <input checked="" type="checkbox"/> Energy Element  | <input type="checkbox"/> Flood Hazard Maps   |
| <input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)   | <input type="checkbox"/> Natural Resources Conservation Service Soil Survey for San Luis Obispo County |
| <input checked="" type="checkbox"/> Housing Element   | <input type="checkbox"/> Regional Transportation Plan  |
| <input checked="" type="checkbox"/> Noise Element   | <input type="checkbox"/> Uniform Fire Code   |
| <input type="checkbox"/> Parks & Recreation Element   | <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin - Region 3)        |
| <input checked="" type="checkbox"/> Safety Element  | <input type="checkbox"/> Other _____   |
| <input checked="" type="checkbox"/> Land Use Ordinance  | <input type="checkbox"/> Other _____   |
| <input type="checkbox"/> Real Property Division Ordinance   |  |
| <input type="checkbox"/> Trails Plan  |  |
| <input type="checkbox"/> Solid Waste Management Plan  |  |

CFO

In addition, the following project-specific information and/or reference materials have been considered as a part of the Initial Study:

San Luis Obispo County Health Commission Task Force on Biosolids. Revised September 29, 1999.  
*Biosolids: An Overview and Recommendations for Land Application in San Luis Obispo County.*

South San Luis Obispo County Sanitation District. November 28, 2001. *2001 Annual Biosolids Report for 2000 - 2001.*

South San Luis Obispo County Sanitation District. October 25, 2000. *2000 Annual Biosolids Report for 1999 - 2000.*

South San Luis Obispo County Sanitation District. October 22, 1999. *1999 Annual Biosolids Report for 1998 - 1999.*

South San Luis Obispo County Sanitation District. February 3, 1999. *1998 Annual Biosolids Report for 1997 - 1998.*

South San Luis Obispo County Sanitation District. December 17, 1997. *1997 Annual Biosolids Report for 1996 - 1997.*

South San Luis Obispo County Sanitation District. No Date. *1996 Annual Biosolids Report for 1995 - 1996.*

South San Luis Obispo County Sanitation District. No Date. *1995 Annual Biosolids Report for 1994 - 1995.*

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## Exhibit B - Mitigation Summary Table

None Applicable

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